

REMARKS/ARGUMENTS

Claims 1-40 are pending in the application. Claims 1-37 are allowed. Claims 38 and 40 are rejected. Claim 39 is objected-to.

I. Allowable Material

Applicant gratefully acknowledges the indication of allowable material.

II. The Rejections under 35 U.S.C. 102(e)

Claims 38 and 40 stand rejected as allegedly being anticipated by U.S. Patent No. 6,615,021 to Lovinggood ("Lovinggood"). In view of the remarks herein, Applicant respectfully traverses the rejections and requests withdrawal and allowance.

Claim 38

Claim 38 is patentable over Lovinggood at least because Lovinggood neither teaches nor suggests "repeatedly summing reverse link gain values and corresponding transmit power values of the transceiver device to obtain sum values; and adjusting the reverse link gain by an amount based on the sum values and the operating point to set the total reverse link gain," as recited in claim 38.

The Office Action alleges that these features are taught in FIGS. 2, 3, and column 3, lines 32-column 4, lines 65. However, the cited portions of Lovinggood do not so teach.

At page 2, the Office Action alleges that combiner 36 of Lovinggood is a "summing unit." However, combiner 36 is part of the forward link signal processing chain, and does not perform any summing similar to Applicant's claim 38. Instead, combiner 36 combines RF signals: "The forward path 16 further includes a power combiner 36 for multiplexing (combining) the separate RF signals 32a – 32c into a combined signal 38 having different frequency components representing the separate RF signals 32a – 32c." (Please see column 4, lines 30-34 of Lovinggood). The cited portions of Lovinggood certainly do not teach the particular features of Applicant's claim 38.

At least because Lovinggood neither teaches nor suggests the above features of claim 38, claim 38 is patentable over Lovinggood.

Claim 40

Claim 40 includes features similar to those discussed above with respect to claim 38, and is patentable for at least similar reasons.

CONCLUSION

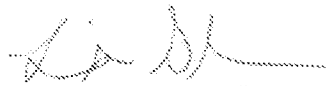
It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue, or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant believes that all claims pending in the application are allowable. Applicant therefore respectfully requests that a timely Notice of Allowance be issued in this case. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned.

If there are any other fees due in connection with the filing of the response, please charge the fees to our Deposit Account No. 17-0026. If a fee is required for an extension of time under 37 CFR 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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